

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON

MARY JO RULFFES and DONALD
RULFFES, and the marital community
comprised thereof,

Plaintiffs,

v.

MACY'S WEST STORES, LLC, a foreign
corporation d/b/a MACY'S; MACY'S RETAIL
HOLDINGS, LLC, a foreign corporation d/b/a
MACY'S; and MACY'S CORPORATE
SERVICES, a foreign corporation d/b/a
MACY'S; SCHINDLER ELEVATOR
CORPORATION, a foreign corporation; and
UNKNOWN BUSINESS ENTITIES 1-5; and
JOHN DOES 1-5.

Defendants.

NO. 2:22-cv-1075

NOTICE OF REMOVAL

King County Case No. 22-2-10317-5 KNT

(DIVERSITY)

PLEASE TAKE NOTICE that Defendants Macy's West Stores, LLC, Macy's Retail Holdings, LLC and Macy's Corporate Services, LLC ("Macy's") and Schindler Elevator Corporation ("SEC") (collectively "Defendants") by and through counsel, hereby remove this action to the United States District Court for the Western District of Washington, Seattle Division, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446.

I. INTRODUCTION

1. On or about July 5, Plaintiffs Mary Jo Rulffes and Donald Rulffes ("Plaintiffs"), by and through counsel, filed a "Complaint for Personal Injuries and Damages" ("Complaint") in the

NOTICE OF REMOVAL - 1
10420-0036 5825039
Case No. 22-2-10317-5 KNT

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1 matter styled, *Mary Jo Rulffes and Donald Rulffes v. Macy's West Stores, Inc*, a foreign
 2 corporation, *Macy's Retail Holdings, LLC* a foreign corporation; *Macy's Corporate Services*, a
 3 foreign corporation, *Schindler Elevator Corporation*, a foreign corporation, *Unknown Business*
 4 *Entities 1-5 and John Does 1-5*, Case Number 22-2-10317-5 KNT in the Superior Court of the
 5 State of Washington in and for the County of King. A true and correct copy of the Complaint is
 6 attached hereto as **Exhibit A** to the Declaration of Debra Dickerson, ("Dickerson Decl.") pursuant
 7 to 28 U.S.C. § 1446(a) and Local Court rule 101(b). Copies of all additional records and
 8 proceedings in the State Action, coupled with the appropriate verification, are also filed herewith
 9 pursuant to Local Court Rule 101(c). Dickerson Decl., Exs. B - E.

10 2. The State Action does not assert damages. Plaintiffs allege in the Complaint
 11 severe bodily injury, pain, anguish, mental suffering, emotional distress, psychological injuries,
 12 loss of consortium, significant wage loss, property damage, and loss of spousal services. See
 13 **Ex. A**, ¶ 4.7. Plaintiffs' counsel has confirmed that the amount in controversy in this matter
 14 exceeds the sum of \$75,000, exclusive of interest and costs. Dickerson Decl. ¶ 4.

15 II. THE PARTIES

16 3. The parties to this action are citizens of different states. Plaintiffs are residents of
 17 King County, Washington. See Ex. A, Complaint, ¶ 1.1. Defendant SEC is a resident of Delaware.
 18 See Dickerson Declaration, ¶ 3. Defendant Macy's is a resident of Ohio. *Id.*

19 4. Defendant SEC was served with the State Action on July 6, 2022. Dickerson Decl.,
 20 ¶ 4. Defendant Macy's was served with the State Action on July 7 and July 8, 2022. *Id.* A true
 21 and correct copy of the Service of Process Transmittals are attached hereto as **Exhibit B** to the
 22 Dickerson Decl. This Notice of Removal is timely because it is filed within thirty days of the date
 23 Defendants were served with the Summons and a copy of the Complaint via process server. See
 24 U.S.C. § 1446 (b). ("The notice of removal of a civil action or proceeding shall be filed within thirty
 25

1 days after the receipt by Defendant through service of a copy of the initial pleading setting forth
 2 the claim for relief upon which such action is or proceeding is based”).

3 I. BASIS FOR REMOVAL

4 5. Pursuant to 29 U.S.C. §1441(a), “any civil action brought in a State court which
 5 the district courts of the United States have original jurisdiction, may be removed by the defendant,
 6 to the district court of the United States for the district and division embracing the place where
 7 such action is pending.” The State Action was filed in the Superior Court of the State of
 8 Washington in and for the County of King – a forum embraced within the jurisdiction of this Court.

9 6. The Court is vested with original jurisdiction in this case pursuant to 28 U.S.C. §
 10 1332(a) because this is a civil action between citizens of different states and the matter in
 11 controversy allegedly exceeds \$75,000 exclusive of interest and costs. See Dickerson Decl., ¶
 12 4.

13 7. Defendants are corporations organized under the laws of Delaware and Ohio. See
 14 Dickerson Decl., ¶ 3. Defendant SEC’s headquarters where business is directed, controlled and
 15 coordinated by its officers is located in Morristown, New Jersey. See *Id.*, ¶ 5. Defendants Macy’s
 16 headquarters where business is directed, controlled, and coordinated by its officers is located in
 17 New York, New York. *Id.*

18 8. This is a personal injury action for damages that occurred on or around December
 19 9, 2019, wherein Plaintiff Mary Jo Rulffes alleges injuries including post concussive headaches,
 20 facial bruising and swelling, depression, back and shoulder pain. Plaintiffs allege Mary Jo Rulffes
 21 has suffered severe and disabling injuries, grievous bodily injuries, great pain and suffering, both
 22 mental and physical. She also alleges to have incurred over \$39,000 in medical expenses since
 23 July 9, 2019. See Ex. A, ¶ 4.7; see *a/so* Dickerson Decl., ¶ 4.

24 9. No previous removal of this case has been attempted or otherwise affected.

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s/Debra Dickerson

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Corporation and Macy's

DECLARATION OF SERVICE

I hereby declare that on this day I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the attorneys of record listed below:

Counsel for Plaintiffs Mary Jo and Donald

Rulffes:

A. Troy Hunter WSBA #29243
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DATED at Seattle, Washington, this 2nd day of August, 2022.

s/Jasmine Reddy
Jasmine K. Reddy